

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Andrew Desilet,

Plaintiff,

v.

Richland County Sheriff's Department,

Defendant.

C/A No. 3:23-cv-3654-SAL

ORDER

Plaintiff Andrew Desilet filed this action against the Richland County Sheriff's Department ("RCSD") in the Richland County Court of Common Pleas. RCSD removed the action to this court, stating Plaintiff's second, third, and fourth causes of action alleged deprivations of his constitutional rights. [ECF No. 1]. Plaintiff has since clarified his intent to assert only state law claims and filed a joint motion to remand the case for resolution of the claims. [ECF No. 10].

This matter is before the court on the Report and Recommendation (the "Report") issued by United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the court grant Plaintiff's consent motion and remand the case to the Court of Common Pleas for Richland County, South Carolina. [ECF No. 11]. The parties have been advised of their right to object to the Report and the consequences if they fail to do so. *Id.* at 5. None of the parties have objected to the Report, and the time for doing so has expired.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a

de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 11, and incorporates it by reference herein. As a result, Plaintiff’s consent motion to remand, ECF No. 10, is **GRANTED**, and the court **REMANDS** this case to state court.

IT IS SO ORDERED.

March 25, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge